

REMARKS

Applicant respectfully requests consideration of the subject application. This Response is submitted in response to the Office Action mailed August 18, 2009. Claims 1-66 are pending. Claims 1-21 are withdrawn from consideration. Claims 22-66 are rejected. In this Amendment, claims 22, 31-32, 34 and 49 have been amended. Claims 30, 42 and 57 have been cancelled. No new matter has been added.

35 U.S.C. § 112 Rejections

The Examiner has rejected claims 30, 42 and 57 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant has deleted these claims.

The Examiner has rejected claims 22, 31 and 32 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner has interpreted the data as software. Applicant has also amended the claims so that “data” is now “software”, consistent with the Examiner’s interpretation. Applicant, respectfully requests withdrawal of the rejections of claims 22, 31 and 32 under 35 U.S.C. § 112, second paragraph.

35 U.S.C. § 101 Rejections

The Examiner has rejected claim 34 under 35 U.S.C. § 101. The Applicant respectfully requests that the Examiner revise the rejections under 35 U.S.C. § 101 based

on the Interim Guidelines with respect to 35 U.S.C. § 101 that were issued by the United States Patent and Trademark Office after the Office Action was mailed.

35 U.S.C. §103 Rejections

The Examiner has rejected claims 22-66 under 35 U.S.C. § 103(a) as being unpatentable over Cheung, et al., (U.S Patent Publication No.: 2003/0028529, hereinafter “Cheung”) in view of Leishman, et al., (U.S Patent Publication No.: 2004/0073538, hereinafter “Leishman”). That includes independent claims 22, 34 and 49. Applicant submits that these claims, especially as amended, are not anticipated over Cheung in view of Leishman.

With respect to Cheung, the Examiner states that Cheung discloses in Figure 1 a search engine 102, a search results database 104 and then an account database 105. The Examiner states the databases inherently include the functionality of ranking and categorizing/“mapping to a category.”

In search engine technology there are two main pieces of equipment, namely a data store and a search engine. A query forms an input into the search engine. The search engine then utilizes the query to extract search results from many search results in the data store. As suggested by the Examiner, the data store may have certain categories and there may also be other intermediate categorization modules. What should be noted is that these categories do not form inputs into the search engine; only the query forms an input into the search engine.

In claim 22, by contrast, a search engine extracts results based on a sales category. The sales category is determined earlier when mapping the query to at least

one sales category among a plurality of sales categories. Claim 22 has been further amended to recite that the search results are extracted based on the sales category and the geographic location data automatically in response to mapping to the sales category. Claim 22 thus includes at least three limitations that are not suggested by Cheung, namely 1) the mapping of the query to at least one sales category among a plurality of sales categories, 2) executing a search engine automatically and in response to the mapping to the sales category, and 3) extracting a plurality of search results from advertiser entries based on the sales categories and the geographic location data.

Leishman fails to disclose at least the limitation of automatically in response to the mapping to the sales category executing a search engine.

It appears that the Examiner has recited Leishman only because “Leishman discloses location information (See at least paragraph [0044]) and more general geographic information (See at least paragraph [0032] and [0041]).” However, in the interest of full disclosure, Applicant notes that Leishman also describes category-based technologies. The Examiner is respectfully requested to review paragraphs [0008], [0033], [0034], [0040], [0042], [0046] and [0047] in this regard.

Certain aspects of what are described in Leishman relate to category-based results. In these instances, the category does not form the basis for the search. For example, paragraph [0042] describes how non-populated categories can be omitted or “grayed-out”.

Other aspects described in Leishman relate to categories as an input into a search engine. For example, paragraph [0040] describes how a user utilizes a “clickable” category tree. However, because the categories are selected by a user, there is no

automation. Specifically, a search engine is not executable by a processor to automatically in response to the mapping to the sales category extract a plurality of search results based on the sales category. This limitation is thus absent from Leishman too.

Claim 22 is thus not obvious in view of Cheung and Leishman, because the combination of Cheung and Leishman still fails to teach at least one limitation that is present in claim 22. It can also be noted that any categorization contemplated by Cheung would not satisfy the requirements of Leishman. The categorization in Cheung would be database structuring and perhaps categorization into news, images, video etc. Such categorization would not be the sales categories that would be required for geographic based searching.

Independent claims 34 and 46 include limitations that are similar to the limitations that have been introduced into claim 22. All the independent claims should thus be allowable for at least the same reasons. The other claims rejected by the Examiner depend from one of the independent claims and should therefore be allowed for the same reasons. Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 22-66 under 35 U.S.C. § 103(a) as being unpatentable over Cheung in view of Leishman.

Declaration

The Examiner has requested information for the Declaration that is not readily available to Applicant or would be difficult to obtain by Applicant. If necessary,

Applicant will reopen that course of action and also show that the person who signed the Declaration is not an interested party.

Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (650) 798-0320.

Please charge any shortages and credit any overages to Deposit Account No. 19-3140. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 19-3140.

Respectfully submitted,
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